೧೯೮೯ನೇ ಇಸವಿಯ ಕರ್ನಾಟಕ ವೃತ್ತಿಗಳು, ವ್ಯವಹಾರಗಳು, ಕಸಬುಗಳು ಮತ್ತು ಉದ್ಯೋಗಗಳ (ತಿದ್ದುಪಡಿ) ವಿಧೇಯಕ ಮಂಡನೆಗೆ ಅನುಮತಿ ಕೋರಿಕೆ

ಪ್ರೊ॥ ಎ. ಲಕ್ಷ್ಮೀಸಾಗರ್ (ಕಾನೂನು ಮತ್ತು ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವರು) (ಮುಖ್ಯ ಮಂತ್ರಿಗಳ ಪರವಾಗಿ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೆ, ೧೯೮೯ನೇ ಇಸವಿಯ ಕರ್ನಾಟಕ ವೃತ್ತಿಗಳು, ವ್ಯವಹಾರಗಳು, ಕಸಬುಗಳು ಮತ್ತು ಉದ್ಯೋಗಗಳ (ತಿದ್ದುಪಡಿ) ವಿಧೇಯಕವನ್ನು ಮಂಡಿಸಲು ತಮ್ಮ ಅನುಮತಿ ಕೊರುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಪ್ರಸ್ತಾವ ಏನೆಂದರೆ, ೧೯೮೯ನೇ ಇಸವಿಯ ಕರ್ನಾಟಕ ವೃತ್ತಿಗಳು, ವ್ಯವಹಾರಗಳು ಕಸುಬುಗಳು ಮತ್ತು ಉದ್ಯೋಗಗಳ (ತಿದ್ದುಪಡಿ) ವಿಧೇಯಕವನ್ನು ಮಂಡಿಸಲು ಅನುಮತಿ ನೀಡುವುದು.

ಪ್ರಸ್ತಾವ ಅಂಗೀಕರಿಸಲ್ಪಟ್ಟಿತು ಮತ್ತು ಅನುಮತಿ ನೀಡಲಾಯಿತಂ.

ಪ್ರೊ॥ ಎ. ಲಕ್ಷ್ಮೀಸಾಗರ್ (ಕಾನೂನು ಹಾಗೂ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮಂತ್ರಿಗಳು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೆ, ೧೯೮೯ನೇ ಇಸವಿಯ ಕರ್ನಾಟಕ ವೃತ್ತಿಗಳು, ವ್ಯವಹಾರಗಳು, ಕಸುಬುಗಳು ಮತ್ತು ಉದ್ಯೋಗಗಳ (ತಿದ್ದುಪಡಿ) ವಿಧೇಯಕವನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುತ್ತೇನೆ,

ಅಧ್ಯಕ್ಷರು.—ವಿಧೇಯಕವನ್ನು ಮಂಡಿಸಲಾಗಿದೆ.

THE KARNATAKA TAX ON PROFESSIONS. TRADES, CALLINGS AND EMPLOYMENTS (AMENDMENT) BILL, 1989,

(L.A. Bill No. 6. 1989)

A Bill further to amend the Karnataka Tax on Professions, Trades. Callings and Employments Act. 1976.

Whereas it is expedient further to amend the Karnataka Tax, on Professions. Trades. Callings and Employments Act. 1976 (Karnataka Act 35 of 1976) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Leigslature in the Fortieth Year of the Republic of India as follows:—

1, **Short title and commencement.**—(1) This Act may be called the Karnataka Tax on Professions. Trades. Callings and Employments (Amendment) Act, 1989.

(2) It shall come into force on the first day of April 1989.

2. **Amendment of section 2.**—In section 2 of the Karnataka Taxon Professions, Trades. Callings and Employments Act, 1976 (Karnataka Act 35 of 1976) (hereinafter referred to as the Principal Act),—

(1) in clause (J) as it existed prior to first day of April 1983 for the words "received by any person on regular basis" the words "recei ved or receivable by any person including any amount received by way of arrears of salary or bonus by whatever name called" shall be deemed to have been substituted with effect from the first nay of April, 1976.

(2) after clause (J) so amended, the following explanation shall be and shall be deemed to have been inserted with effect from the first day of April, 1976. namely;—

"**Explanation.**—(i) Where bonus. by whatever name called is received in part or full, then such bonus shall be spread over for twelve months of the year or to such number of months. the bonus relates. for purposes of computation of 'Salary' or 'Wage' for such months;

(ii) Where arrears of salary is received in part or full. then such arrears shall be spread over for the relevant months for which it relates. for purposes of computatiou of 'Salary' or 'Wage' for such months".

(3) for clause (j) so amended including the explanation, the foliowing shall be and shall be deemed to have been substi tuted with effect from the first day of April, 1983, namely:—

"(j) 'Salary' or 'Wage' means the basic salary or wage received or receivable by any person including any amount received by way of arrears of basic salary whether in cash or kind but does not include any other allowances or remuneration or any perquisites or profits.

Explanation.—Where arrears of salary is received in part or in full, then such arrears shall be spread over for the relevant months for which it relates, for purposes of computation of 'Salary' or 'Wage' for such months".

(4) for clause (j) and the explanation as so substituted, the following shall be and shall be deemed to have been substituted with effect from the first day of April 1987, namely:—

"(j) 'Salary' or 'Wage' includes pay or wage, dearness allowance and all other remrnerations received or receivable by any person including any amount received by way of arrears of salary or bonus by whatever name called whether payable in cash or kind and also includes perquitites and profits in lieu of salary as defined in Section 17 of the Income Tax Act, 1961.

Explanation.—(I) where 'bonus' by whatever name called is received in part or full, then such bonus shall be spread over for twelve months of the year or to such number of months the bonus relates, for purposes of computation of 'Salary' or 'Wage' for such months.

(ii) where arrears of salary is received in part or full, then such arrears shall be spread over for the relevant months for which it relates for purposes of computation of 'Salary' or 'Wage' for such months".

3. **Amendment of section 11.**—In section 11 of the principal Act, after subesection (3), the following shall be inserted, nameiy:—

"(4) Notwithstanding anything contained in sub-sections (2) and (3),—

(i) the balance of interest payable upto 31st March 1987 in respect of tax paid belatedly shall not be collected.

(ii) any interest that has become payable in respect of tax due as on 31st March 1987 shall not be eollected provided such tax is paid in full on or before 30th June, 1989".

4. **Amendment of the Schedule.**—In the schedule to the principal Act.—

(1) for item 5, the following shall be substituted. namely:—

'5	(*a*) Estate agents or brokers	Rs. 250 per annum
	(*b*) Contractors executing works contracts (as defined under the Karnataka Sales Tax Act, 1957) the estimated cost of which is not less than Rs. five lakhs in a year.	Rs. 2,500 per annum
	(*c*) Building contractors other than those specified at sub-item (b)	Rs. 250 per annum

(2) for item 7, the following shall be substituted, namely:—

"7.	(*a*) Race horse owners, trainers and jockeys iicenced by the truf clubs.	Rs. 250 per annum
	(*b*) Book makers licenced by truf clubs.	Rs. 2500 per annum"

(3) for item on 13, the following shall be substituted, namely:—

"13.	(*a*) Licenced wholesale dealers of liquor other then toddy and arrack,	Rs. 2500 per annum
	(*b*) licenced foreign liquor venders other than those mentioned on against (a) above and employers of residential hotels and theaters as defined in the Karnataka Shops and Commercial Establishments Act, 1961.	Rs. 250 per annum

(4) for item 15, the following shall be substituted namely:—

"15. Money lenders licenced under the Karnataka Money lenders Act, 1961.

	(*a*) Class-I money lenders and those who lenders rupees Ten lakhs and above per annum.	Rs. 2500 per annum
	(*b*) others	Rs. 250 per annum

(5) in the entries relating to sub-items (i) and (ii) of item 17, in column 3, for the words and figures "Rs. 250 per annum" the words and figures "Rs. 2500 per annum" shall be substituted.

(6) in the entries relating to item 19, in column 3, for the words and figures, "Rs. 250 per annum", the words and figures "Rs. 2500 per annum" shall be substituted.

(7) in the entries relating to item 19, in column 3, for the words and figures "Rs. 250 per annum", the words and figures "Rs. 2500 per annum" shall be substituted.

(8) for item 20, the following shall be substituted, namely:-

"20.	Each partner of a firm registered under the Indian Partnership Act, 1932 and engaged in any profession. trade or callings.	Rs. 500 per annum"

(9) for item 20C, the following shall be substituted namely:—

"20C,	(*a*) Nursing home and hospital other than those run by the State or Central Government.	Rs, 2500 per annum
	(*b*) Pathological testing laboratories and X-ray clinics	Rs. 250 per annum"

(10) for item 20E, the following shall be substituted namely:—

"20E.	(*a*) Film distributors and travel agents not falling under sub-item (*b*) below	Rs. 250 per annum
	(*b*) Air Travel Agents	Rs. 2500 per annum"

5. **Validation of assessments etc.** – Not with standing anything contained in any judgement, decree of order of any Court, Tribunal or other authority to the contrary, any assessment, levy or collection of any tax made or purporting to have been made, any action, or thing taken or done (including any notices or orders issued or assessments made and all proceedings held for the levy and collection of tax or amount purported to have been collcted by way of tax) in relation to such assessment, levy or collection under the provisions of the principal Act before the commencement of the Karnataka Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1989, shall be and shall be deemed to be valid and effective as if such assessment, levy or collection or action or thing had been made, taken or done under Principal Act as amended by section 2 of this Act and accordingly-—

(a) all acts, proceedings or things done by any authority in connection with the assessment, levy or collection of such tax shall for all purposes be deemed to be and to have always been made, done or taken in accordance with law :

(b) no suit or other proceedings shall be maintaincd or continued in any court of Tribunal or before any authority for the refund of any such tax : and

(c) no Court shall enforce any decree or order directing the refund of any such tax.

STATEMENT OF OBJECTS AND REASONS

To give effect to the proposals made in the Budget speech it is proposed to amend the Karnataka Tax on Professions, Trades, Callings and Employments Act 1976. Oppurtunity is also taken to amend section 11 of the Act to exempt from payment of balance of interest payable upto 31st March 1987 in respect of tax paid belatedly and also the interest payable on taxes due upto 31st March, 1987 if the taxes are paid on or before 30th June 1989.

Hence she Bill.

FINANCIAL MEMORANDUM

No extra expenditure is involved by this Amendment.

S. R. BOMMAI,
Chief Minister.

M. INNASAPPA
Secretary.

ANNEXURE

Extracts from the Karnataka Tax on Professions Trades, Callings and Employments Act, 1976.

xx xx xx

2. **Definitions.**—In this Act, unless the context otherwise requires:—

(a) xx

(b) xx

(j) 'Salary' or 'Wage' includes pay or Wages, dearness allowance and all other remunerations received or receivable by any person, whether payable in cash or in kind and also includes perquisites or profits lieu of salary, as defined in section 17 of the Income Tax Act, 1961.

11. **Consequences of failure to deduct or to pay tax.**—

(1) xx

(2) xx

(3) if an enrolled person fails to pay the tax as required by or under this Act, he shall be liable to pay simple interest at the rate and in the manner laid down in sub-section (2)

xx xx xx

SCHEDULE

[See Section 3 (2)]

Rates of tax on professions, trades, callings and employments.

Sl. No.	Classes of persons	Rate of tax
(1)	(2)	(3)
1.	xx	xx
5.	Estate Agents or brokers and buildings Contractors ...	Rs. 250 Per annum
7.	Race horse owners, book makers, trainers and jockeys licenced by the truf clubs ...	Rs. 250 Per annum
13.	Licensed foreign liquor vendors and employers of residential hotels and theatres as defined in the Karnataka Shops and Establishment Act ...	Rs. 250 Per annum
15.	Money Lenders licensed under the Karnataka Money Lenders Act, 1961 ...	Rs. 250 Per annum
17.	Co-operative Societies registered under the Karnataka Co-operative Societies Act and engaged in any professions' trades or callings :	
	(i) State level societies ...	Rs. 250 Per annum
	(ii) Co-operative Sugar Factories, (Spinning mills and banks) ...	Rs. 250 Per annum
	(iii) District level societies ...	Rs. 150 Per annum
	(iv) Taluk level societies ...	Rs. 100 Per annum
18.	Banking companies as defined in the Banking Regulations Act, 1949 ...	Rs. 250 Per annum
19.	Companies registered under the Companies Act, 1956 and engaged in any professions, trades or callings ...	Rs. 250 Per annum
20.	Firms registered under the Indian Partnership Act, 1932 and engaged in any professions, trades or callings ...	Rs. 250 Per annum
20C.	Nursing homes, X-ray-clinic, Pathological testing laboratories and hospitals, other than those run by the State or Central Government ...	Rs. 250 Per annum
20E.	Film distributors and travel agents ...	Rs. 250 Per annum